

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

HOWARD F. CARROLL, JR., #1067360 §
VS. § CIVIL ACTION NO. 6:11cv525
BRAD LIVINGSTON, ET AL. §

ORDER OF DISMISSAL

Plaintiff Howard F. Carroll, Jr., an inmate confined in the Texas prison system, filed the above-styled and numbered civil rights complaint pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who filed a Report and Recommendation concluding that the Plaintiff's motion to dismiss the complaint should be granted. No objections have been filed. It is noted, however, that the Plaintiff submitted a letter, dated October 7, 2011, asking the Court to stop his motion to dismiss (docket entry #12). He subsequently filed another letter, dated October 20, 2011, stating that he wanted to dismiss the lawsuit and asking the Court to ignore his previous letter (docket entry #14). No other letters or objections have been submitted by the Plaintiff.

The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court. It is therefore


ORDERED that the motion to dismiss (docket entry #7) is **GRANTED**. It is further

ORDERED that the complaint is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(a)(1).

All motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 2nd day of November, 2011.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE